

REMARKS

The version of the claims just prior to the instant amendment is the version that resulted after entry of the Examiner's Amendment dated June 17, 2010.

Applicants thank the Examiner for his cooperation in moving this case toward allowance, notice of which was also mailed on June 17, 2010. However, on further review of this case, Applicants believe that the Examiner's amendment has introduced an error into the claims that needs to be corrected.

Specifically, the Examiner objected to the word "its", in the last line of claim 1 and the last line of claim 4, as indefinite. To make the claim definite, the Examiner proposed to change "its" to "said core network", and Applicants' attorney agreed.

On review, however, it has become clear that "its" was not meant to refer to the core network, but rather was meant to refer to each terminal.

This is seen from the last four paragraphs of the specification, which read as follows, with emphasis added:

The technique described above for including a core network identifier field in the location area identifier for distinguishing between 2G and 3G functionality in the network architecture of Figure 3 may be used in the network architecture of Figure 5 to distinguish between the respective 2G core networks. Thus, **a mobile terminal in the location area LA1 can use the first bit of the location area identifier to distinguish between the two core networks 214 and 514, and read the broadcast messages associated with the core network with which it is registered.**

More generically, when a mobile terminal registers its presence in the location area LA1 by a random access request to the core network via the BSS 500, the BSS 500 will forward the request to one of the two core networks 214 and 514.

In acknowledging the random access request **the appropriate core network will provide the mobile terminal with an identifier to be used in all future packet transmissions. This identifier is then included in all packet transmissions by the mobile terminal, and used by the BSS 500 to direct the packet transmission to the appropriate core network.**

The network architecture of Figure 5 may be combined with the network architecture of Figure 3, such that each of the 2G and 3G core networks may be provided with parallel duplicate networks for spreading the load.

Reference is made in particular to the passage in the above-cited portion of the Specification which says "This identifier is then included in all packet transmissions by the mobile terminal, and used by the BSS 500 to direct the packet transmission to the appropriate core network" it will be seen that this passage corresponds to the claim language (see claim 1 as currently amended; emphasis added) stating, "and wherein each terminal distinguishes the core network to which said terminal is switched by receiving a location area identifier that includes a core network identifier field and including the core network identifier in said terminal's packet transmissions".

The amendment is needed in order to correctly conform the claimed embodiment to that which is described in the Specification, as explained above.

No additional search or examination is needed because the subject matter of the claims remains substantially the same, i.e., a packet switched network architecture, or a method of resource allocation in a method having such architecture, in which at least two core networks have the same functionality, there is a common location area connected by the radio access network to the core networks, the radio access network is configured to switch packet transmissions from each terminal in the common location area to one of the core networks dependent on the capacity of the core networks, and each terminal distinguishes the core network to which said terminal is switched at least in part by receiving a location area identifier that includes a core network identifier field. The further limitation that each terminal further distinguishes the core network to which said terminal is switched by "including the core network identifier in said terminal's packet transmissions" is too fine a detail to trigger a new search. Indeed, such a possibility would not have been excluded by the search that was in fact conducted.

The claims are patentable for the reasons previously advanced. Applicants advanced certain arguments regarding the "core network identifier" to distinguish the claimed invention over the cited art. Those arguments remain sound in view of the current amendments.

The current amendments could not have been presented earlier because they were made necessary by the proposed Examiner's amendment, error by Applicants' attorney in accepting the proposed Examiner's amendment, and Applicants' subsequent review of the amendment revealing the error.

Accordingly, Applicants respectfully solicit entry of the amendment to claims 1 and 4 under 37 CFR 1.312.

Respectfully submitted,

Michael Roberts
Sutha Sivagnanasundaram

By: 

Martin I. Finston, Reg. No. 31,613
Attorney for Applicants
908-582-7886

Date: 17 Sept 2000
Docket Administrator (Room 3D-201E)
Alcatel-Lucent USA Inc.
600-700 Montain Avenue
Murray Hill, New Jersey 07974-0636